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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

CR 05-60008-02-HO

v.

PIROUZ SEDAGHATY,

Defendant.

**~~PROPOSED~~ PROTECTIVE ORDER PURSUANT TO
SECTION 4 OF THE CLASSIFIED INFORMATION PROCEDURES ACT AND
FEDERAL RULE OF CRIMINAL PROCEDURE 16(d)(1)**


This matter is before the Court on the “Government’s Fourth Under Seal, *In Camera*, *Ex Parte*, Motion for Protective Order Pursuant to CIPA § 4 and Federal Rule of Criminal Procedure 16(d)(1).” The motion seeks authorization from this Court to withhold disclosure of certain materials from discovery.

1. The Court finds that the government’s motion was properly filed *in camera*, *ex parte* for this Court’s review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The Submission contains classified information that requires protection against unauthorized disclosure for reasons of national security such that its disclosure to the defense, or to the public, reasonably could be expected to cause serious damage to national security. After *in camera*, *ex parte* inspection and consideration of the motion and memorandum of law, supporting declarations and exhibits (hereinafter, the “Submission”), the Court **GRANTS** the government’s motion pursuant to Section 4 of CIPA and Rule 16(d)(1).

2. The Court further finds that the materials sought to be protected in the Submission are not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Federal Rule of Criminal Procedure 16; and that the national security damage from disclosure to the defense, as articulated in the classified declaration submitted by the government, outweighs the defendant's need for the information at issue. Accordingly, **IT IS FURTHER ORDERED THAT** the government need not disclose to the defense the materials described in the Submission.

3. **IT IS FURTHER ORDERED** that the government's Submission is hereby sealed and shall be maintained in a facility appropriate for the storage of such classified information by the Court Security Officer as the designee of the Clerk of Court, in accordance with established security procedures, until further order of this Court.

SO ORDERED this 3rd day of March 2010.


MICHAEL R. HOGAN
United States District Judge

Presented by:

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Acting United States Attorney


CHARLES F. GORDER, JR., OSB #912874
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